IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Crl.MC.No. 2868 of 2007()

CRIME NO.347/05 OF IRITTY POLICE STATION

PETITIONER: ACCUSED 2,3 AND 5

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1. SUBHASH V.K., S/O MACKACHI,
   VADAKINILAM COLONY, MUZHAKUNNU AMSOM,
   VILAKODE DESOM, KANNUR.

2. B.MANOJ, S/O GOPALAKRISHNA KURUP,
   KIZHAKKE ILLAM, VILAKODE DESOM,MUZHAKKUNNU AMSOM,
   KANNUR.

3. M.V.LAKSHMANAN, S/O KUNHAMBU,
   SHAJI BHAVAN, VILAKKODE DESOM,
   MUZHAKUNNU AMSOM, KANNUR.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT/STATE

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1. SUB INSPECTOR OF POLICE,
   IRITTY POLICE STATION.

2. STATE OF KERALA, REP. BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2868 of 2007

Dated this the 12th day of September, 2007

O R D E R

The petitioners face allegations in a crime registered, inter alia, under Sections 3 and 5 of the Explosive Substances Act. The petitioners have not been arrested. Investigation is in progress. The petitioners have not come with any application for anticipatory bail. Instead, they pray that when they surrender and apply for bail, the learned Magistrate may be directed under Section 482 Cr.P.C to consider their bail application on the date of surrender itself.

2. I am not persuaded to agree that any directions deserve to be issued. The petitioners can certainly appear before the Investigating Officer or the learned Magistrate and claim regular bail. Needless to say that their application for bail will have to be considered by the learned Magistrate on merits, in accordance with law and expeditiously. No specific directions appear to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This bail application is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the Investigating Officer or the learned Magistrate and apply for bail

after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Hand over a copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

rtr/-